

# PATENT COOPERATION TREATY

**Sender: THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

## PCT

NOTIFICATION OF TRANSMITTAL  
OF INTERNATIONAL PRELIMINARY  
REPORT  
(Rule 71.1 PCT)

|   |  |  |   |
|---|--|--|---|
| <b>To:</b><br>Hamann, Arndt<br>SAURER GmbH & Co. KG<br>Landgrafenstrasse 45<br>D-41069 Mönchengladbach<br>GERMANY | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Date of mailing<br/>(Day/month/year)</td> <td style="width: 40%;">01.03.2006</td> </tr> </table>   | Date of mailing<br>(Day/month/year)                                    | 01.03.2006  |
| Date of mailing<br>(Day/month/year)   | 01.03.2006   |  |   |
| <b>Applicant's or agent's file reference</b><br><br>WS 2243 PCT   | <b>IMPORTANT NOTIFICATION</b>  |  |   |
| <b>International application No.</b><br><br>PCT/EP2004/011449   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>International filing date</b><br/>(Day/Month/Year)<br/><br/>                     13.10.2004                 </td> <td style="width: 50%; vertical-align: top;"> <b>Priority date (Day/Month/Year)</b><br/><br/>                     21.11.2003                 </td> </tr> </table> | <b>International filing date</b><br>(Day/Month/Year)<br><br>13.10.2004 | <b>Priority date (Day/Month/Year)</b><br><br>21.11.2003 |
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| <b>Applicant</b><br><br>SAURER GMBH & CO. KG et al.   |  |  |   |

1. The Applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the International Preliminary Report on patentability and its annexes, if any, established on the International Application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for Communication to all the elected Offices.
3. Where required by any of the elected offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those offices.
4. **REMINDER**

The Applicants must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the information sent by the International Bureau with form PCT/1B/301).

Where a translation of the International Application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International Preliminary Report on patentability. It is the Applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices see Volume II of the PCT Applicant's guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of International Preliminary Examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure of the invention and clarity and support for the claims.

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| <b>Name and mailing address of the International Examining Authority:</b><br>European Patent Office – P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk – Netherlands<br>Tel. +31 70 340 -2040, Tx: 31 651 epo nl<br>Fax: +31 70 340 – 3016 | <b>Authorised officer</b><br><br>Blouw, J<br><br>Tel. +31 70 340 – 4118 |
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**EPO stamp**

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

|   |  |   |
|---|--|---|
| Applicant's or agent's file reference<br><b>WS 2243 PCT</b>   | FOR FURTHER ACTION      See Form PCT/IPEA/416                      |   |
| International application No.<br><b>PCT/EP2004/011449</b>   | International filing date<br>(Day/Month/Year)<br><b>13.10.2004</b> | Priority date (Day/Month/Year)<br><b>21.11.2003</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>D02G3/34, D01H4/50</b> |  |   |
| Applicant<br><b>SAURER GMBH &amp; CO. KG et al.</b>   |  |   |

|   |  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
|---|--|---------------------|-------------------------------------|----------|--------------------------------------|---|-------------------------------------|----------------------------|---|--|-------------------------------------|-------------------------|--------------------------------------|--|---------------------------------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising</p> <p>a. <input type="checkbox"/> Sheets (<i>sent to the Applicant and to the International Bureau</i>), as follows:</p> <p><input type="checkbox"/> Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions).</p> <p><input type="checkbox"/> Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions).</p> |  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/> Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/> Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/> Box No. III</td><td>Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability</td></tr><tr><td><input type="checkbox"/> Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/> Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/> Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/> Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/> Box No. VIII</td><td>Certain observations on the international application</td></tr></table>   | <input checked="" type="checkbox"/> Box No. I  | Basis of the report | <input type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> Box No. VI | Certain documents cited | <input type="checkbox"/> Box No. VII | Certain defects in the international application | <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I   | Basis of the report  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. II   | Priority   |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. III  | Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. IV   | Lack of unity of invention   |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. VI   | Certain documents cited  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. VII  | Certain defects in the international application   |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. VIII   | Certain observations on the international application  |                     |                                     |          |                                      |   |                                     |                            |   |  |                                     |                         |                                      |  |                                       |   |

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| Date of submission of the request for preliminary examination<br><b>17.03.2005</b>   | Date of completion of this report<br><b>01.03.2006</b>   |
| Name and mailing address of the International Examining Authority:<br><b>European Patent Office - P.B. 5818 Patentlaan 2<br/>NL-2280 HV Rijswijk - Netherlands<br/>Tel. +31 70 340-2040 Tx: 31 651 epo nl<br/>Fax: +31 70 340-3016</b> | Authorised officer<br><br><b>Henningsen, O</b><br><br>Tel. +31 70 340-<br><div style="text-align: right;"><b>EPO stamp</b></div> |

**International Application No. PCT/EP2004/011449**

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.  
PCT/EP2004/011449

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**Box No. V    Reasoned statement under Article 35(2) with regard to novelty, inventive step  
and industrial applicability; documents and explanations supporting such statement**

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1.    Statement
- |                               |                    |
|-------------------------------|--------------------|
| Novelty (N)                   | Yes:    Claims 1-7 |
|                               | No:     Claims     |
| Inventive step (IS)           | Yes:    Claims 1-7 |
|                               | No:     Claims     |
| Industrial applicability (IA) | Yes:    Claims 1-7 |
|                               | No:     Claims     |

2.    Documents and explanations (Rule 70.7):

**see supplementary sheet**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/011449**

**Item V**

1. In the following notification, reference is made to the following documents

D1: US 5 509 261 A (WASSENHOVEN ET AL) 23 April 1996 (1996-04-23)

2. Document D1 is regarded as the closest prior art. It discloses (the references in brackets relate to this document):

Method for producing an effect yarn on an open-end rotor spinning machine, which is formed from an alternating line-up of webs and of effects consisting of predetermined thickenings (column 3, line 4 to 9), and in which the effect yarn is reconnected by means of a piecer after yarn interruptions (column 7, line 12 to 35).

- 2.1 The method of the independent claim 1 differs in that in the piecing region following the piecer (31), which comprises the run-up phase of the spinning rotor (11), an effect formation is carried out in the yarn. The subject of claim 1 is therefore novel (Article 33(2) PCT).
- 2.2 The document D1 implicitly discloses:  
Effect yarn, which is formed from an alternating line-up of webs and of effects consisting of predetermined thickenings.
- 2.3 The effect yarn of the independent claim 1 therefore differs in that the effect yarn (16) also has effects (37, 39, 41) in the piecing region of the yarn directly following a piecer (31). The subject of claim 7 is therefore also novel (Article 33(2) PCT).
- 2.4 The object to be achieved with the present invention can therefore be regarded as implementing a method for producing an effect yarn, with which an effect yarn is produced with non-conspicuous piecer zones.
- 2.2 The method proposed in claim 1 of the present application for this object and the effect

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/011449**

yarn defined in claim 7 resulting therefrom, is not made obvious by any of the documents cited in the search report. On the contrary, document D1 points away from the solution described in the application (see column 1, line 50 to 58).

3. Claims 2 to 6 are dependent on claim 1 and therefore also meet the requirements of the PCT with regard to novelty and an inventive step.